

REFERENCE TITLE: water improvement districts; rates

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2176

Introduced by
Representative Konopnicki

AN ACT

AMENDING SECTION 48-1014, ARIZONA REVISED STATUTES; RELATING TO DOMESTIC
WATER IMPROVEMENT DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-1014, Arizona Revised Statutes, is amended to
3 read:

4 48-1014. Powers and duties of an elected or appointed board of
5 directors

6 A. The board of directors of a domestic water improvement district or
7 domestic wastewater improvement district elected or appointed pursuant to
8 this article shall have all the powers and duties of the board of supervisors
9 sitting as the board of directors of a county improvement district formed for
10 the purposes prescribed in section 48-909, subsection A, paragraph 1, 2, 3,
11 4, 5 or 6, including the related powers and duties prescribed in section
12 48-909, subsection B and section 48-910, and that are not in conflict with
13 this article, EXCEPT THAT THE FOLLOWING APPLY WITH RESPECT TO RATES, FEES AND
14 CHARGES FOR WATER:

15 1. THE RATES, FEES OR CHARGES FOR WATER AND WATER RELATED SERVICES
16 SHALL BE JUST AND REASONABLE.

17 2. THE DISTRICT SHALL NOT REQUIRE ONE CLASS OR CATEGORY OF WATER USER
18 TO BEAR A DISPROPORTIONATE SHARE OF THE COSTS OF WATER WHEN COMPARED TO OTHER
19 CLASSES OR CATEGORIES OF WATER USERS IN THE DISTRICT.

20 B. A single district may be formed for or converted to a combination
21 of water and wastewater purposes.

22 ~~B.~~ C. Additions to and alterations of the district shall be made as
23 follows:

24 1. A petition addressed to the district governing board requesting the
25 addition or alteration may be filed with the clerk of the governing body, if
26 signed by a majority of the persons owning property and by the owners of
27 fifty-one per cent or more of the assessed valuation of the property within
28 the limits of the proposed addition or alteration.

29 2. A petition with the required number of signatures shall not be
30 declared void on account of any alleged defect, but the governing body shall
31 allow the petition to be amended in form and substance to conform to the
32 requirements of this article. One or more similar petitions, or copies of
33 the same petition with additional signatures, for the addition to or
34 alteration of the improvement district may be filed before the time of the
35 hearing on the first petition, and shall be considered as though filed with
36 the first petition. The petition shall be presumed to contain the signatures
37 of the persons whose signatures appear on the petition, unless the contrary
38 is proved.

39 3. The petition shall set forth:

40 (a) The name of the improvement district to which the addition or
41 alteration is proposed.

42 (b) The necessity for the proposed addition or alteration.

43 (c) That the public convenience, necessity or welfare will be promoted
44 by the addition or alteration of the district and that the property to be
45 included in the district will be benefited.

1 (d) The boundaries of the proposed addition or alteration.

2 4. Each copy of the petition shall be verified by one of the
3 petitioners and shall be accompanied by a plat or sketch indicating the
4 approximate area and boundaries of the district.

5 5. On receipt of a petition for an addition or alteration of a
6 district, the governing body shall set a date for a hearing on the petition
7 not later than forty days after presentation of the petition. At the hearing
8 all interested property owners may appear and be heard on any matter relating
9 to the addition to or alteration of the district. Any person wishing to
10 object to the addition or alteration may file, before the date set for the
11 hearing, the person's objections with the clerk of the governing body.

12 6. Notice announcing the hearing and stating the boundaries of the
13 proposed addition or alteration shall be published twice in a newspaper of
14 general circulation in the county within which the district is located. The
15 publications shall be one week apart, and the first publication shall be not
16 less than ten days before the date of the hearing. The notice shall also be
17 mailed by first class mail at least twenty days before the hearing to the
18 property owners within the area of the proposed addition or alteration
19 according to the names and addresses that appear on the most recent property
20 tax assessment roll.

21 7. At the hearing, if it appears after consideration of all objections
22 that the petition is signed by the requisite number of property owners, and
23 that the public convenience, necessity or welfare will be promoted by the
24 addition to or alteration of the district, the governing body by formal order
25 shall declare its findings and order the addition to or alteration of the
26 district.

27 8. If the governing board finds that the public convenience, necessity
28 or welfare will not be promoted by the addition to or alteration of the
29 district, the governing body by formal order shall declare its findings.

30 ~~C.~~ D. Notwithstanding subsection ~~B.~~ C of this section, any property
31 owner whose land is within a county that contains an improvement district and
32 whose land is adjacent to the boundaries of the improvement district may
33 request in writing that the governing body of the district amend the district
34 boundaries to include that property owner's land. If the governing body
35 determines that the inclusion of that property will benefit the district and
36 the property owner, the boundary change may be made by order of the governing
37 body and is final on the recording of the governing body's order that
38 includes a legal description of the property that is added to the district.
39 A petition is not required for an amendment to an improvement district's
40 boundaries made pursuant to this subsection.

41 ~~D.~~ E. On approval of any boundary change of the district, the
42 district board may order the successful petitioners or requesters to pay all
43 of the costs of the boundary change.